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PATENT  
Attorney Docket No. 213256

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert D. Swain, et al.

Art Unit: 1732

Application No. 10/027,898

Examiner: Jill L. Heitbrink

Filed: October 19, 2001

For: METHOD OF DETERMINING WEAR

#7  
(P60)

TERMINAL DISCLAIMER UNDER 37 CFR 1.321(c)

Assignee, Chroma Corporation, is the owner of 100 percent interest in the above-identified application (hereinafter "the present application").

Pursuant to 37 CFR 3.73(b), the assignment of the present application from the inventors, or chain of title from the inventors, to the Assignee was recorded in the Patent and Trademark Office at Reel 012413, Frame 0132, on October 19, 2001.

Also, pursuant to 37 CFR 3.73(b), the undersigned has reviewed all the evidentiary documents accompanying or referred to in this Terminal Disclaimer and, to the best of the undersigned's knowledge and belief, certifies that title is in the Assignee.

Assignee, through its attorneys, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application that would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 of U.S. Patent No. 6,306,319 (hereinafter "the prior patent"), as shortened by any terminal disclaimer filed prior to the grant of the prior patent. Assignee, through its attorneys, further agrees that any patent granted on the present application shall be enforceable only for and during such period that its legal title is the

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same as the legal title to the prior patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term of the prior patent as defined in 35 USC 154 to 156 and 173 in the event the prior patent terminates prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent. Examples of such non-applicable termination of the prior patent are as follows: (1) prior patent expires for failure to pay a maintenance fee, (2) prior patent is held unenforceable, (3) prior patent is found invalid by a court of competent jurisdiction, (4) prior patent is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (5) prior patent has all claims canceled by a reexamination certificate or reissuance, and (6) prior patent is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In making this disclaimer, Assignee reserves the right to extend the term of any patent granted on the present application for a period of delay, in the event the delay is defined by statute and/or regulation as allowing, or providing for, an extension of term. This right is reserved in the event the prior patent terminates, or does not terminate, prior to the expiration of its full statutory term. Examples of such a delay include regulatory delay, and delay due to appellate review.

The undersigned is empowered to act on behalf of the Assignee.

The Commissioner is hereby authorized to charge to Deposit Account 12-1216 the fee of \$55.00 set forth in 37 CFR 1.20(d) for a small entity or any other fees.

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A duplicate copy of this document is enclosed herewith for that purpose.

Respectfully submitted,



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Date: September 24, 2003

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

I hereby certify that this Terminal Disclaimer and all accompanying documents are being deposited with the United States Postal Service on September 24, 2003, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, Mailing Label Number EV 336872918 US, addressed to: Mail Stop , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type)	Darlene Hokr		
Signature	<u>Darlene Hokr</u>	Date	September 24, 2003